



**ARUNACHAL PRADESH INFORMATION COMMISSION, APIC
ITANAGAR**

**An appeal case U/S 19(3) of RTI Act, 2005
Vide Case No. Appeal-10/A/2026.**

**BEFORE THE COURT OF SHRI KHOPEY THALEY, STATE INFORMATION
COMMISSIONER**

Shri Tamchi Gungte, Near KV2 School
Chimpu

Appellant

Versus

PIO-cum-EE, Dept. of Hydropower, Hayuliang Division
Anjaw District

Respondent

Date of hearing and attendance of the Appellant & PIO		
Nos. & Date of hearing	Appellant	PIO
1 st hearing 17/08/2026	Absent	Absent

Date of decision/Judgment : 17/08/2026

INFORMATION COMMISSIONER : Shri Khopey Thaley
Relevant facts emerging from Appeal :

RTI application file on : 14/10/2025
PIO replied on :
First appeal file on : 25/11/2025
First Appellate Authority's order :
2nd Appeal dated : 02/01/2026

Information sought :

The appellant filed an RTI Application dated 14/10/2025 seeking Details regarding – C/o plan and Non-Plan works/projects sponsored by state fund/central fund or both executed under the concern division from the financial year 2020-21 to 2025-26.

Being dissatisfied, the appellant filed First Appeal dated 25/11/2025. No hearing was conducted by the First Appellate Authority in his jurisdiction. Feeling aggrieved and dissatisfied, appellant approached the Commission with instant Second Appeal.

JUDGEMENT ORDER

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellants **Shri Tamchi Gungte 14/10/2025** filed an RTI application under Form-‘A’ before the **PIO-cum-Executive Engineer, Department of Hydropower, Hayuliang Division, Anjaw District Govt. of Arunachal Pradesh** whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority on **25/11/2025**, Appellant, again having not received the required information from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **02/01/2026** and the Registry of the Commission (APIC), having receipt of the appeal, registered it as **APIC No. 10/A/2026** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for first time i.e on **17/08/2026**. In this hearing of the appeal on **17th day of August, 2026**, both the parties the Appellant **Shri Tamchi Gungte** and the **PIO-cum-Executive Engineer, Department of Hydropower, Hayuliang Division, Anjaw District** absent without any intimation. It is seen from the case record that no hearing was conducted before the First Appellate Authority. FAA is directed to conduct hearing in his jurisdiction and dispose the case.

Under Section 19(1) of the Act, the First Appellate Authority (FAA), the intermediate level, has to adjudicate on the Appeal, if any, filed by the information seekers against the decision of the PIO.

As laid down at para-38 of the Guidelines for the FAA issued by the GOI and the State Govt., adjudication on the appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority (FAA), following the principle of natural justice, should conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter must pass reasoned and speaking order on merit within 30 days from the date of receipt of the appeal or else the action of the FAA would be considered as procedural lapse on the part of the FAA.

Further, it is noticed that the Appellant in most case do not wait for the orders of the First Appellate Authority (FAA) and directly prefer appeals before the 2nd Appellate Authority without attaching a copy of order passed by the First Appellate Authority (FAA) unintelligently. Here, it is germane to note that for availing 2nd appeal before the 2nd Appellate Authority, the Appellant has been given 90 days’ time from the date of order passed by the First Appellate Authority (FAA). The 2nd appeal, if he/she is dissatisfied with the decision of the First Appellate Authority (FAA), must be accompanied by the orders passed by the First Appellate Authority (FAA).

The appeal is accordingly remand back to the First Appellate Authority for adjudication and passing an appropriate order who, being the officer senior in rank to the PIO and well versed with the knowledge of the functioning of the department, shall apply his mind and go into the aspects like what kind of information was sought by appellant in his application, whether the same and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information relates to matter covered by Section 11 of the RTI Act etc. and then pass a speaking order giving justification for his decision within 3 (three) weeks from the date of receipt of this order.

Therefore, perusing the case records, the Commission deemed fit to remand back the appeal case **APIC No. 10/A/2026** to First Appellate Authority for proper hearing. The case is disposed of with liberty to appellant to prefer second appeal if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no fees need be paid.

Judgment/Order pronounced in the open Court of this Commission today on this **17th day of August, 2026**. Each copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this **17th day of August, 2026**.

Sd/-
(KhopeyThaley)
State Information Commission
APIC, Itanagar.

Memo.No.APIC-10/A/2026
Copy to:

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Dated Itanagar, the **18** August, 2026.

1. The Chief Engineer-cum- FAA, Eastern zone, Dept. of Hydropower, Tezu, Lohit District, Govt. of Arunachal Pradesh for information. Pin Code:- 792001.
2. The PIO-cum-Executive Engineer, Department of Hydropower, Hayuliang Division, Anjaw District, Pin Code:- 792104, Govt. of Arunachal Pradesh for information.
3. Shri Tamchi Gungte, Near KV2 School, Chimpu, PO/PS:- Chimpu, Itanagar, Papum Pare District, Pin Code:-791111(A.P) **Contact No. 9233567279**.
4. The Computer Programmer for upload on the Website and emailed to concerned.
5. Office Copy.

P. G. Singh
Registrar/Dy. Registrar,
APIC-Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar